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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Elizabeth Kenny

Serial No.: 10/777,510

Filed: February 12, 2004

For: Animal Exercise and Amusement Device

Date: April 7, 2006

Mail Stop Amendment Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APR 1 1 2006

Docket No: EK1

Examiner: Abbott, Yvonne Renee

Art Unit: 3644

## Response to October 7, 2005 Office Action

Dear Sir or Madam:

Enclosed is a check for \$510.00 for a three month extension of time.

There are no amendments to the claims or specification.

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## Remarks

On a preliminary matter, the applicant would like to clear up a misunderstanding that appears in the most recent Office Action. On page 2, at about lines 7-8 of the first paragraph, the October 7 Office Action states that the applicant admitted that the device disclosed in the Kisko (US patent No. 6,095,093) reference "would work with some animals." However, the applicant made no such admission. Instead, she stated that it "would not work well with a majority of animals." Her statement is NOT an admission that it would work with some animals. For example, if she had stated that her house key would not work to start most vehicles, then such statement is NOT an admission that her house key would work to start any vehicle.

Additionally, the Office Action objected to the specification as failing to provide proper antecedent basis for the combination of claims 1 and 12. On preliminary examination, it appears that the Office Action may be misconstruing the claims. The applicant reserves the right to Serial Number 10/777,510

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